

HIGHEST TRIBUNAL HAS HEAVY DOCKET

U. S. Supreme Court Con-
venes To-morrow With
650 Cases Pending.

SUTHERLAND ON BENCH

After He Takes Oath Mem-
bers Will Pay Respects
to President.

LEADING CASES REVIEWED

New York to Test Validity of
Federal Water Power
Act.

WASHINGTON, Oct. 1.—The Supreme Court of the United States will reconvene to-morrow for the regular term with a crowded docket. When the court adjourned last June it had pending 437 cases, and during the recess the number was increased to 650. None of the new cases, unless advanced, will be reached for argument for two years.

Upon reassembling the court will induct into office George Sutherland, former Senator from Utah, nominated during the recess to fill the vacancy upon the bench caused by the resignation of Associate Justice Clarke. The formality includes the administration by the Chief Justice of the judicial oath. Then after receiving motions for admission to the bar and any that may be made for the disposition of cases the court will proceed to the White House to pay its customary visit of respect to the President.

No decisions will be rendered or orders issued by the court during the first week upon any cases held under advisement or motions for rehearings submitted during the recess. Early in the new term, however, the opinion of the court may be expected in five cases argued at the last term.

Cases Brought by States.

These included original cases brought by the States of Ohio and Pennsylvania to prevent West Virginia from restricting the exportation of natural gas, and by Oklahoma for the location of the Texas boundary. In the latter case all issues have been settled by opinions of the court except that of the physical location of the boundary line.

The other cases which the court has in hand are those brought by the Chicago and Northwestern Railway Company against the Schneider-Powell Company, involving the constitutionality of the Nebraska statute fixing the order of responsibility of railroads for damages suffered by shipments, and the Wichita Falls and Light Company against the Public Utilities Commission of Kansas and others, testing the power of State commissions to fix rates notwithstanding provisions of existing contracts.

The docket has been cleared of anti-trust cases of national importance, but the court has been petitioned to grant rehearings in some of those disposed of at the last term, including the Southern Pacific, which the court ordered to divest itself of ownership and control of the Central Pacific, and the Coronado coal case, in which reconsideration has been asked on the question of the liability of certain unions of the United Mine Workers of America and individuals for triple damages for the destruction of property on the ground that it was incident to a conspiracy to restrain interstate commerce.

Rehearings in Baseball Case.

The court also has been asked to grant rehearings in the case brought by the Baltimore club of the defunct Federal Baseball League against baseball clubs operating under the national agreement, in which the court held that professional baseball as played in the major leagues does not constitute interstate commerce. In several cases against the Emergency Fleet Corporation, fixing its liability and status as a Federal agency, and in the Laramie River case, in which priority of appropriation was applied as controlling water rights in interstate streams in arid regions.

Persons not heretofore identified with the United Shoe Machinery case have, in behalf of "the consuming public," also asked a modification of the opinion holding certain leases illegal under the Clayton act.

During the recess permission has been requested by three States to bring original actions—by New York to test the constitutionality of the Federal water power act of 1920, by Massachusetts to test the constitutionality of the mother-in-law law and by Wisconsin to restrain diversion of water into the Chicago River by Illinois and the sanitary district, Chicago, on the ground that it is lowering the lake levels and obstructing navigation.

A number of disputes between States are before the court, including those of North and South Dakota against Minnesota, involving alleged damages caused by overflow of the Murrumbidgee river due to drainage projects, that of Massachusetts to assert title to land in the city of Rochester, N. Y., and boundary disputes between New Mexico and Texas, between New Mexico and Colorado, and between Arkansas and Mississippi.

New York Retains Cases.

New York is retaining on the original docket a number of cases and Georgia one relating to pollution so as to keep the question within the jurisdiction of the court for such supplemental relief orders as may be found necessary.

There also are pending cases from California, Washington and Honolulu involving the question whether Japanese can be naturalized and others whether they can own land; from Oregon a case raising the question of whether Hindus can be naturalized; a large number of railroad cases, including one to prevent consolidation of the New York Central, Lake Shore and other lines; the customary controversies arising out of injuries to railroad employees, and several important land, irrigation and oil cases.

Although the Federal income tax law has been subjected to much litigation, it still is fruitful of controversial issues which appear in several cases now before the court while the application of other Federal and State laws have brought to the court their usual quota of appeals.

National prohibition is represented upon the docket by cases from Arizona, California, Florida, Georgia, Ohio and Texas, in several of which is raised the question of the enforcement of State penalties in addition to those provided in the Volstead act. One from Florida

Lands Plane at 60 Miles an Hour Without Gear

MOUNT CLEMENS, Mich., Oct. 1.—Landing the navy Bee Line racer, which he had been piloting at a speed of more than 200 miles an hour at Selfridge Field to-day, Bert Acosta brought the machine to a stop without using the landing gear.

The monoplane, a naval entry in the Pulitzer race to be held here October 14, came to earth with its wheels tucked inside the body.

The plane struck the ground at an approximate speed of sixty miles an hour.

It was the first time, pilots here say, that such a landing has been made without mishap. Acosta was not even shaken up, as the plane slid 100 feet over the turf and came to a stop.

Other Important Suits.

Whether publishers can require news-dealers who are their wholesale distributors exclusively to confine their wholesale activities to their publications; whether the Smith Cold Storage and Valentine anti-trust laws of Ohio are constitutional; whether Iowa and Ohio can restrict teaching of German in their schools, and whether retail stores in Nebraska may purchase direct from manufacturers or only through wholesalers are some of the more important cases on miscellaneous subjects pending before the court. Patent infringement and related subjects contribute their usual quotas to the court's business.

Oral arguments are not expected to begin until Tuesday and eight cases will be disposed of during the remainder of the week should each take all the time allowed by the rules. The first case to be called for argument will be that brought by William T. Knights to test the constitutionality of the income tax law of Massachusetts, which was advanced by order of the court last term.

It will share a day with five cases, also advanced, brought by the Consul General of Portugal to test the immunity of steamships claimed to be owned by his Government from legal prosecution, on the ground that such claims must be settled through diplomatic channels.

The first case on the regular docket is that of Takao Ozawa, brought from Honolulu to have determined by the highest court whether Japanese are "free white persons" eligible for naturalization. Last year when reached for argument during the limitation of argument conference it was passed at the request of the Government, and notice has not been given whether a similar motion will again be made when it is called.

It is considered that six cases, a number of which are pending, to test the constitutionality of the Illinois statute under which indeterminate sentences are imposed in criminal cases, will be reached during the first week. These have twice been passed and it is considered probable by court officers that when again called the court will be asked to dismiss them. The other cases which will be argued during the first week are considered of minor importance.

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Washington, D.C., SEPTEMBER 26, 1922.
Whereas, the Act of Congress of the United States, entitled, "An Act to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof for a period of ninety-nine years or until dissolved, and to apply said section as so amended to all national banking associations," approved by the President on July 1, 1922, provided that all national banking associations organized and operating under any law of the United States on July 1, 1922, should have succession until ninety-nine years from that date, unless such association should be sooner dissolved by the act of its shareholders owning two-thirds of its stock, or unless its franchise should become forfeited by reason of violation of law or unless it should be terminated by an Act of Congress hereinafter enacted;

Now therefore, I, D. R. CRISINGER,
Comptroller of the Currency, do hereby certify that

THE AMERICAN EXCHANGE NATIONAL BANK
in the CITY of NEW YORK
and State of NEW YORK was organized and operating under the laws of the United States on July 1, 1922, and that its corporate existence was extended for the period of ninety-nine years from that date in accordance with and subject to the condition in the Act of Congress hereinbefore recited.



In testimony whereof, witness my hand and Seal of
Office this TWENTY-SIXTH day of SEPTEMBER, 1922

D. R. Crisinger
Comptroller of the Currency

It is important that you understand that this new legislation does not constitute forfeiture of any of the supervisory rights of the Federal Government over national banks. Heretofore some people were reluctant to appoint a national bank as executor, trustee, guardian, etc., on the theory that its charter might not be extended at expiration.

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